

REMARKS

Responsive to the Office Action of 16 October 2003, the claims under consideration are 15-27, 31-33, 35-40 and 42-59. Claims 15-26 have been withdrawn from consideration by the Examiner. Claim 41 has been canceled hereby. Claims 27, 31, and 35, have been amended hereby to make clear that the fibers of the present invention are allowed to form a z-direction crimp while in a relaxed state. Support is found in the specification at at least page 5, line 13 and page 14, lines 5-14. Claims 49-59 have been amended as to form in order to obviate the formal rejections. The specification has been amended in two places at page 14 to correct minor typographical errors. The Detailed Action will now be addressed with reference to the headings and any paragraph numbers therein.

Claim Rejections 35 USC § 112

Per paragraph 4 of the Detailed Action, Claim 41 stands rejected under section 112, first paragraph, as “failing to comply with the enablement requirement.” Applicants have herewith canceled the Claim.

Per paragraph 6 of the Detailed Action, Claims 41 and 49-59 stand rejected under section 112, second paragraph, as indefinite. Claim 41 is considered by the Office to be indefinite due to the phrase “substantially regular waving.” Per the above discussion, Applicants have canceled Claim 41. Claims 49-59 are considered by the Office to be somewhat indefinite due to the preamble. Applicants have amended the preambles of these Claims based upon the Examiner’s suggested language. It is therefore believed that the rejections of Claims 49-59 have been obviated.

Claim Rejections 35 USC § 102/103

Per paragraph 9 of the Detailed Action, Claims 27, 31-33, 35, 36, 41-44, and 46-59 stand rejected as one of either anticipated by, or obvious over, White et al., WO 00/66057 (hereinafter White). It is the contention of the Detailed Action that a comparison with the product taught by White tends to show that the claimed products are anticipated or obvious. Therefore the burden has been shifted to the Applicants to show non-obvious differences in the claimed product.

Applicants have amended each of the present independent Claims 27, 31, and 35 to distinguish them from nonwovens made by the mechanical bending processes of White. It is now made clear that the material of the present invention is made with fibers having z-direction crimps induced in fibers while they are in the relaxed state. No similar process as defined by the present claims is believed to be taught by White. In contrast, the fibers of White have their z-direction bends induced by mechanical bending thereby resulting in tensioned fibers. Thus, the material as claimed now clearly defines over White. Therefore it is believed that the present rejections have been obviated.

Claim Rejections 35 USC § 103

Per paragraph 10 of the Detailed Action, Claims 37-40 stand rejected as obvious over White. Per the above discussion, Applicants have now made clear that the material of the present invention is made with fibers having z-direction crimps induced in fibers while they are in the relaxed state. In contrast, the fibers of White have their z-direction bends induced by mechanical bending thereby resulting in tensioned fibers. Therefore it is believed that the present rejections have been obviated.

Per paragraph 11 of the Detailed Action, Claim 45 stands rejected as obvious

over White in view of Frankosky et al., US 5,527,600 (hereinafter Frankosky). It is the contention of the Detailed Action that Frankosky shows fibers of different cross section which are lacking in the teaching of White. Per the above discussion, Applicants have now made clear that the material of the present invention is made with fibers having z-direction crimps induced in fibers while they are in the relaxed state. In contrast, the fibers of White have their z-direction bends induced by mechanical bending thereby resulting in tensioned fibers. Thus it is believed the inventions as defined by the present Claims are distinguishable from nonwovens made by the mechanical bending processes of White. Therefore it is believed that the present rejections have been obviated.

Request For Telephone Interview


Clearly, there are differences between the present invention and the cited reference involving patentable subject matter. These differences are now believed by the Applicants to be properly defined in the present Claims. The Examiner is requested to call Applicants' attorney (per the provisions of M.P.E.P. § 713) to discuss any further problems or suggest solutions in defining the present invention in order to expedite the case towards allowance before issuing a final Office Action.

Applicants believe that all Claims under consideration are now in condition for allowance. A notice to that effect is earnestly solicited.

Applicants herewith petition for and request a one month extension of time from the shortened statutory period expiring 16 January 2004. A check in the amount of \$110.00 is submitted herewith to cover the cost of the extension fee.

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roland W. Norris". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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